

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Christopher Michael Jackson,

Plaintiff,

vs.

Broad River Correctional; Sgt. Fleshman; Sgt.
Perkins; Lt. Brown; Lt. Timmons,

Defendant.

C/A No. 0:22-555-JFA-PJG

ORDER

Christopher Michael Jackson (“Plaintiff”), proceeding *pro se*, filed this action seeking relief pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (ECF No. 51). The Report sets forth in detail the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

On September 5, 2022, Defendants Broad River Correctional, Sgt. Fleshman, Sgt. Perkins, Lt. Brown, and Lt. Timmons (collectively “Defendants”) filed a motion for summary judgment. (ECF No. 44). On September 6, 2022, the Court issued an Order pursuant to *Roseboro v. Garrison*,

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

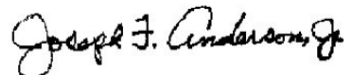
528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the procedure for summary judgment and the possible consequences of failing to adequately respond to motion for summary judgment. (ECF No. 45).

On October 13, 2022, the Magistrate Judge issued a Report which recommended this Court dismiss this action with prejudice for Plaintiff's failure to prosecute. (ECF No. 51). The Magistrate Judge advised Plaintiff of his right to object to the Report by October 27, 2022. However, to date, Plaintiff has failed to respond in any way to the Court's Order or Respondent's pending motion. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 51). Therefore, Plaintiff's petition (ECF No. 1) is dismissed with prejudice and without issuance and service of process for lack of prosecution and failure to comply with a Court order. Additionally, Defendants' motion for summary judgment is hereby terminated. (ECF No. 44).

IT IS SO ORDERED.

November 15, 2022
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge